

April Barker

From: April Barker
Sent: Friday, September 10, 2021 2:29 PM
To: Walker, Leita; Kevin Vick
Cc: James Friedman; George Burnett; Michael Griesbach; Debra L. Bursik
Subject: Responses to Plaintiff's Discovery Requests

Leita and Kevin,

We do not believe that an electronic discovery protocol is necessary or appropriate in this case.

In the initial joint discovery plan, the parties advised the Court as follows:

Any issues concerning the disclosure, discovery or preservation of electronically stored information ("ESI"), including the form in which it should be produced.

At this time, the parties do not anticipate any special issues related to the disclosure or discovery of electronic information, but will promptly address any issues that do arise during the course of discovery.

When Defendants insisted that an updated joint discovery plan be provided prior to the most recent scheduling conference, the foregoing assertion was reaffirmed by reference.

Accordingly, we request that you produce responsive documents within a week of this communication under the procedures specified in the pertinent federal rule, Federal Rule of Civil Procedure 34(b)(E):

(E) Producing the Documents or Electronically Stored Information. Unless otherwise stipulated or ordered by the court, these procedures apply to producing documents or electronically stored information:

- (i) A party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request;
- (ii) If a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms; and
- (iii) A party need not produce the same electronically stored information in more than one form.

If any special issues become apparent after we have an opportunity to review the production, we will discuss them with you at that time, as contemplated by the joint discovery plan.

At a minimum, documents, such as contracts between the Defendants that are referenced in the Defendants' initial disclosures, are presumably stored either in hard copy or in simple pdf formats and should be able to be produced without further delay.

If you are not able to produce all responsive documents within a week, please advise when you are available in the next week for a meet-and-confer call.

Hope that you all have a good weekend,



April



April Rockstead Barker | Attorney

**SCHOTT, BUBLITZ
& ENGEL s.c.**

ATTORNEYS AT LAW

640 W. Moreland Boulevard

Waukesha, WI 53188

☎ P: (262) 827-1700

☎ F: (262) 827-1701

✉ E: abarker@sbe-law.com

Web: www.sbe-law.com

IMPORTANT: This electronic message is from a law firm. It may contain confidential or privileged information. If you received this transmission in error, please advise the sender and delete this message and any attachments.

IRS Circular 230 Disclosure: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended and cannot be used for the purposes of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.
